



11-24-04

B/1F

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: ) Examiner: Hamud, Fozia M.  
)  
Kevin P. BAKER, et al. ) Art Unit: 1647  
)  
Application Serial No. 10/007,194 ) Confirmation No. 3544  
)  
Filed: December 6, 2001 ) Attorney's Docket No. 39780-2830 P1C6  
)  
For: **SECRETED AND** ) **Customer No. 35489**  
      **TRANSMEMBRANE** )  
      **POLYPEPTIDES AND NUCLEIC** )  
      **ACIDS ENCODING THE SAME** )

EXPRESS MAIL LABEL NO. EL 977 609 305 US  
DATE MAILED: NOVEMBER 22, 2004

AMENDMENT UNDER 37 C.F.R. §1.48(b) AND 37 C.F.R. §1.312**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In the above identified application, a Notice of Allowance was mailed on October 22, 2004, but an issue fee has not been paid. Having reviewed the allowed claims, Applicants have found that as a result of claim amendments made during prosecution, fewer than all of the currently named inventors are the actual inventors of the invention being claimed in the present application. Accordingly, please delete the names of the following inventors, who have not made an inventive contribution to the currently claimed subject matter:

|                                |                           |
|--------------------------------|---------------------------|
| <b>Kevin P. Baker</b>          | <b>David Botstein</b>     |
| <b>Dan L. Eaton</b>            | <b>Napoleone Ferrara</b>  |
| <b>Sherman Fong</b>            | <b>Wei-Qiang Gao</b>      |
| <b>J. Christopher Grimaldi</b> | <b>Kenneth J. Hillan</b>  |
| <b>James Pan</b>               | <b>Nicholas F. Paoni</b>  |
| <b>Margaret Ann Roy</b>        | <b>Victoria Smith</b>     |
| <b>Timothy A. Stewart</b>      | <b>Daniel Tumas</b>       |
| <b>Colin K. Watanabe</b>       | <b>P. Mickey Williams</b> |

Upon entering the present amendment, Audrey Goddard, Luc Desnoyers,  
Paul J. Godowski, Austin Gurney, and William I. Wood remain named inventors in this case.

Please charge the fee of \$130.00 and/or any fees that might become applicable, including  
any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641,  
referencing Attorney's Docket No. 39780-2830 P1C6. Please direct any calls in connection with  
this application to the undersigned at the number provided below.

Respectfully submitted,

Date: November 22, 2004

By:   
Anna L. Barry (Reg. No. 51,436)

**HELLER EHRMAN WHITE & McAULIFFE LLP**

275 Middlefield Road  
Menlo Park, California 94025  
Telephone: (650) 324-7000  
Facsimile: (650) 324-0638

SV 2067314 v1  
11/20/04 5:16 PM (39780.2830)

Please type a plus sign (+) inside this box ☐

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |   |                        |                  |
|--|---|------------------------|------------------|
|  |   | Application Number     | 10/007,194       |
|  |   | Filing Date            | DECEMBER 6, 2001 |
|  |   | First Named Inventor   | KEVIN P. BAKER   |
|  |   | Group/Art Unit         | 1647             |
|  |   | Examiner Name          | HAMUD, FOZIA M.  |
| Total Number of Pages in This Submission | 4 | Attorney Docket Number | 39780-2830 P1C6  |

## ENCLOSURES (check all that apply)

|  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> <b>FEE TRANSMITTAL FORM</b><br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Version With Markings Showing Changes<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53<br><input type="checkbox"/> Copy of Notice | <input type="checkbox"/> Copy of an Assignment<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Small Entity Statement<br><input checked="" type="checkbox"/> <b>AMENDMENT UNDER 37 C.F.R. §1.48(b) AND 37 C.F.R. §1.312</b> | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> <b>ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW):</b><br><input checked="" type="checkbox"/> <b>STAMPED RETURN POSTCARD</b> |
| Remarks<br><b>AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-2830 P1C6.</b>   |  |   |

## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

|                         |  |  |  |                           |
|-------------------------|--|--|--|---------------------------|
| Firm or Individual name | <b>HELLER EHRMAN WHITE &amp; McAULIFFE LLP</b>     |  | <b>ANNA L. BARRY (Reg. No. 51,436)</b> |                           |
|                         | 275 Middlefield Road, Menlo Park, California 94025 |  | Telephone: (650) 324-7000              | Facsimile: (650) 324-0638 |
| Signature               |  |  |  |                           |
| Date                    | <b>NOVEMBER 22, 2004</b>                           |  | Customer Number:                       | <b>35489</b>              |

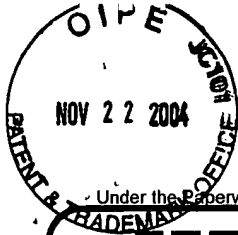
## CERTIFICATE OF EXPRESS MAILING

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Express Mail Label **EL 977 609 305 US**

|                       |                |      |                          |
|-----------------------|----------------|------|--------------------------|
| Typed or printed name | <b>C. FONG</b> |      |                          |
| Signature             |                | Date | <b>NOVEMBER 22, 2004</b> |

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**130.00**

## Complete if Known

|                      |                  |
|----------------------|------------------|
| Application Number   | 10/007,194       |
| Filing Date          | DECEMBER 6, 2001 |
| First Named Inventor | KEVIN P. BAKER   |
| Examiner Name        | HAMUD, FOZIA M.  |
| Art Unit             | 1647             |
| Attorney Docket No.  | 39780-2830 P1C6  |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

08-1641 (39780-2830 P1C6)

HELLER EHRMAN WHITE & McAULIFFE LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001         | 790      | 2001         | 395      | Utility filing fee     |          |
| 1002         | 350      | 2002         | 175      | Design filing fee      |          |
| 1003         | 550      | 2003         | 275      | Plant filing fee       |          |
| 1004         | 790      | 2004         | 395      | Reissue filing fee     |          |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |          |

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

|                    |  | Extra Claims |  | Fee from below |  | Fee Paid |
|--------------------|--|--------------|--|----------------|--|----------|
|                    |  |              |  |                |  |          |
| Total Claims       |  | -20** =      |  | X              |  |          |
| Independent Claims |  | -3** =       |  | X              |  |          |
| Multiple Dependent |  |              |  |                |  |          |

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |
| 1201         | 88       | 2201         | 44       | Independent claims in excess of 3                          |
| 1203         | 300      | 2203         | 150      | Multiple dependent claim, if not paid                      |
| 1204         | 88       | 2204         | 44       | ** Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description  | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051     | 130      | 2051     | 65       | Surcharge - late filing fee or oath  |          |
| 1052     | 50       | 2052     | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053     | 130      | 1053     | 130      | Non-English specification  |          |
| 1812     | 2,520    | 1812     | 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804     | 920*     | 1804     | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805     | 1,840*   | 1805     | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251     | 110      | 2251     | 55       | Extension for reply within first month                                     |          |
| 1252     | 430      | 2252     | 215      | Extension for reply within second month                                    |          |
| 1253     | 980      | 2253     | 490      | Extension for reply within third month                                     |          |
| 1254     | 1,530    | 2254     | 765      | Extension for reply within fourth month                                    |          |
| 1255     | 2,080    | 2255     | 1,040    | Extension for reply within fifth month                                     |          |
| 1401     | 340      | 2401     | 170      | Notice of Appeal   |          |
| 1402     | 340      | 2402     | 170      | Filing a brief in support of an appeal                                     |          |
| 1403     | 300      | 2403     | 150      | Request for oral hearing   |          |
| 1451     | 1,510    | 1451     | 1,510    | Petition to institute a public use proceeding                              |          |
| 1452     | 110      | 2452     | 55       | Petition to revive - unavoidable   |          |
| 1453     | 1,370    | 2453     | 685      | Petition to revive - unintentional   |          |
| 1501     | 1,370    | 2501     | 685      | Utility issue fee (or reissue)   |          |
| 1502     | 490      | 2502     | 245      | Design issue fee   |          |
| 1503     | 660      | 2503     | 330      | Plant issue fee  |          |
| 1460     | 130      | 1460     | 130      | Petitions to the Commissioner  | 130.00   |
| 1807     | 50       | 1807     | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806     | 180      | 1806     | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021     | 40       | 8021     | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809     | 790      | 2809     | 395      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810     | 790      | 2810     | 395      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801     | 790      | 2801     | 395      | Request for Continued Examination (RCE)                                    |          |
| 1802     | 900      | 1802     | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**130.00**

## SUBMITTED BY

(Complete if applicable)

|                   |               |                                   |                   |           |                |
|-------------------|---------------|-----------------------------------|-------------------|-----------|----------------|
| Name (Print/Type) | ANNA L. BARRY | Registration No. (Attorney/Agent) | 51,436            | Telephone | (650) 324-7000 |
| Signature         |               | Date                              | NOVEMBER 22, 2004 |           |                |

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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